

REMARKS

This Amendment is in response to the Final Office Action mailed July 12, 2006. In the Office Action, pending claims 1-7, 9-10 and 17-21 are rejected. Applicants respond to the rejection of claims 1-7, 9-10 and 17-21 as follows.

Response to Claim Rejections – 35 U.S.C. § 102

Claims 1-7, 9, and 17-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kant et al., U.S. Patent No. 6,724,566. The Office Action quotes the version of 35 U.S.C. 102(e) prior to the changes made by the American Inventors Protection Act (AIPA) of 1999. The changes made to 35 U.S.C. 102(e) by the AIPA of 1999 apply to all applications filed under section 111 of title 35 of the United States Code, on or after November 29, 2000. The present application was filed on July 30, 2003 and claims priority to a provisional application filed November 2, 2002 and thus is subsequent to the effective date of the changes made to 35 U.S.C. 102(e) by the AIPA of 1999. Kant was filed March 21, 2002 and claims priority to a provisional application filed September 24, 2001, subsequent to the November 29, 2000 effective date.

Claim 1 and dependent claims 2-7 recite an enclosure including *inter alia* an airflow guide enclosed in a housing in an air flow path created via rotation of one or more discs enclosed within the housing. Kant discloses an acoustic damper 200 within a triangular portion 170 of the cover proximate to poles of a voice coil motor and not an airflow guide enclosed in a housing in the air flow path of the one or more discs as claimed.

Claim 9 and dependent claims 17-21 recite a data storage device including *inter alia* an airflow guide that projects into a housing and comprises an elastic wall, having an elastic surface, in a fluid flow region of a disc stack assembly rotatably mounted to the housing having an elastic surface. As discussed above, Kant does not disclose an airflow guide in a fluid flow region of a disc stack assembly rotatably mounted to the housing as claimed.

Response to Claim Rejections – 35 U.S.C. § 103

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kant, U.S. Patent No. 6,724,566 in view of Izumi et al., U.S. Patent No. 6,008,965. Claim 10 was cancelled in a previous Amendment, but was nonetheless examined and rejected in the Office Action. In this

Amendment, the subject matter of claim 10 is included as new claim 22. Allowance of new claim 22 is respectfully requested as follows.

The present application was filed prior to the issue date of Kant and claims priority to a provisional application that discloses the subject matter of claim 22 and that has a filing date that predates the publication date of Kant under 35 U.S.C. § 102(a). As set forth in the Office Action, Kant is a reference under 35 U.S.C. § 102(e) since Kant has a filing date prior to the filing date of the present application. Kant is assigned to Seagate Technology LLC, the same assignee as the present application. Under 35 U.S.C. § 103(c)(1),

subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the present application, at time the claimed invention was made, both Kant and the present application were assigned or subject to an obligation of assignment to Seagate Technology LLC and accordingly, the Kant reference cannot be used in combination with another reference to preclude patentability under 35 U.S.C. § 103(c).

Additionally, claim 22 is allowable since the combination of Kant and Izumi does not teach the claimed subject matter. As previously discussed, Kant discloses an acoustic damper 200 in a triangular region of the cover proximate to the voice coil motor. Izumi discloses a filter unit 38 including a circulation filter 40 assembled in a support member 39. The combination of Kant and Izumi teaches an acoustic damper 200 in a triangular region and a filter unit but does not teach an airflow guide in a fluid flow region of a disc stack assembly including an elastic wall having an elastic surface and a filtration unit in which an elastic surface of the airflow guide is configured to direct fluid flow in the fluid flow region proximate to the disc stack assembly to or from the filtration unit as claimed.

Based upon the foregoing, allowance of new claim 22 is respectfully requested.

New claims 23-25 are added. Favorable action with respect to new claims 23-25 is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: A handwritten signature in dark ink, appearing to read "Deirdre Kvale", is written over a horizontal line.

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